

28 OCT 2002

Mr. Mike Linder
Nebraska Department of Environmental Quality
1200 N Street, The Atrium, Suite 400
Lincoln, NE 68509-8922

Dear Mr. Linder:

Thank you for the submissions dated September 16, 2002, requesting approval of the Kirkman's Cove Lake, Wagon Train Lake, and Zorinsky Lake Total Maximum Daily Loads (TMDLs) under §303(d) of the Clean Water Act. Kirkman's Cove Lake has been evaluated for the eutrophication and organic enrichment/dissolved oxygen impairments (2 TMDLs). Wagon Train Lake has been evaluated for eutrophication and organic enrichment/dissolved oxygen impairments and the sediment/siltation impairment (3 TMDLs). Zorinsky Lake has been evaluated for eutrophication and organic enrichment/dissolved oxygen impairments and the sediment/siltation impairment (3 TMDLs). We have completed our review of these eight TMDLs as submitted by your office and in accordance with §303(d) of the Clean Water Act (33 U.S.C. 1251 et seq.). We approve all aspects of these TMDLs.

Enclosed are the EPA Region 7 Review Forms which summarize the rationale for EPA's approval of these TMDLs. EPA believes the separate elements of the TMDLs described in the enclosed forms adequately address the pollutants of concern, taking into consideration seasonal variation and a margin of safety.

EPA is currently in consultation under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service (USFWS) regarding these TMDLs. While EPA is approving these TMDLs at the present time, EPA may decide that changes to these TMDLs are warranted based upon the results of the consultation when it is completed. However, because the phased approach is used in these TMDLs, USFWS will also have future opportunities to review any revisions to the TMDLs based on phase 2 recommendations.

Although the 1998 Nebraska §303(d) list also identifies Kirkman's Cove Lake, Wagon Train Lake, and Zorinsky Lake as impaired by atrazine (as well as, arsenic for Kirkman's Cove), the September 23rd submission letters state Nebraska would be proposing to de-list these lakes from the 2002 §303(d) list for these pollutants. The proposed de-listing is due to Nebraska's revision of the numeric criteria for these two parameters and subsequent EPA approval of those new numeric criteria. EPA is currently reviewing the final 2002 Nebraska §303(d) list and is anticipating the approval of de-listing these two pollutants. However, this does not preclude EPA from formally approving the sedimentation/siltation and nutrient TMDLs at this time.

Again, EPA appreciates the thoughtful teamwork and partnering effort that Nebraska has put forth in the development of these TMDLs and will continue to cooperate with and assist, as appropriate, in future efforts by Nebraska to develop the remaining TMDLs on the current Nebraska §303(d) list of impaired water bodies.

Sincerely,

A handwritten signature in dark ink, appearing to be 'CJ' or 'CK' with a stylized flourish.

Leo J. Alderman
Director
Water, Wetlands, and Pesticides Division

Enclosure

cc: Mr. Patrick O'Brien, NE Dept of Environmental Quality, Lincoln, NE (w/enclosure)